

DRAFT

Mr. Vince Ryan  
Harris County Attorney  
1019 Congress, 15<sup>th</sup> Floor  
Houston, Texas 77002

Re: San Jacinto River Waste Pits Superfund Site

Dear Mr. Ryan:

Thank you for your letter dated July 2, 2015. We appreciate the update on the results of your recent settlement and the discussion of your concerns about documents related to the San Jacinto River Waste Pits site ("site"). The Environmental Protection Agency ("EPA") recognizes that Harris County is committed to addressing this site for the benefit of its citizens, and we want to continue our dialogue with you as we make progress toward remedy selection.

Regarding the timeline for the final remedy selection, there are several important milestones to be achieved before a record of decision ("ROD") can be finalized. The EPA is currently working with Harris County and other stakeholders on additional sampling to be conducted at the site. In addition, the draft report from the Corps of Engineers is expected within a few weeks; this report will be sent to Harris County and our other partners for review and comment before it is made final. Completion of these actions will be followed by the finalization of the Feasibility Study; review by EPA's National Remedy Review Board; preparation of the proposed plan for remediation; a public comment period; and preparation of the ROD itself. We estimate that, absent unforeseen events, a ROD will be signed by the end of September 2016.

The EPA has no objection to any of the proposed uses set forth in your letter for the recent civil penalty you received from the potentially responsible parties ("PRPs"), but we must leave the decisions on use of the money to Harris County and to Texas Parks and Wildlife, as it would not be appropriate for the Agency to comment on this matter. If there is specific information that we can provide to help with your decision-making process, my staff would be happy to assist you.

Finally, you have requested that the EPA use its authority to order International Paper to produce approximately 44,000 documents International Paper has withheld as privileged in your litigation with the PRPs. My staff has had the opportunity to review a copy of the privilege log. It should be noted that the documents listed on the privilege log do not appear to be the types of documents typically reviewed by EPA in the course of a site response action, even though they are related to site work. The EPA, together with Harris County, the State, the Port of Houston, and other stakeholders, has performed extensive oversight of the work conducted by the PRPs under both the removal administrative order on consent and the unilateral administrative order. However, the EPA will explore the possibility of obtaining the small portion of the documents directly related to the laboratories providing sample analysis, in the interests of addressing any public concern on this matter.

Carl Edlund, Director of the Superfund Division, would be delighted to meet with you for further discussion regarding the topics raised in your letter. Again, we appreciate Harris County's ongoing involvement in the site remediation process. Please do not hesitate to contact me or Mr. Edlund with any additional concerns regarding the site.

Sincerely,

Ron Curry  
Regional Administrator  
United States Environmental Protection Agency  
Region 6